

Preparatory Committee for the 2000 Review

Conference of the Parties to the Treaty on
the Non-Proliferation of Nuclear Weapons

NPT/CONF 2000/PC.II/20
5 May 1998

ORIGINAL: ENGLISH

Second session

Geneva, 27 April - 8 May 1998

CLUSTER THREE: PEACEFUL USES OF NUCLEAR ENERGY

Working paper submitted by Iran (Islamic Republic of)

Multilaterally negotiated guidelines on transfer of nuclear
materials, equipment and technology

1. In accordance with Article III of the Non-Proliferation Treaty, the States Parties have undertaken not to provide source or special fissionable materials to Non-Nuclear Weapon States for peaceful purposes unless the source or special fissionable material is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. In the middle of Seventies, a group of suppliers of nuclear material, technology and equipment could reach a common understanding on the definition of key terms in Article III of the Treaty and the conditions that would govern exports of such nuclear materials and equipment to Non-Nuclear Weapon States. The group, afterwards called as "Zangger Committee" is convening since then to coordinate the implementation of its non-legally binding decisions.

3. In parallel, a more limited group of suppliers gathered in London to establish guidelines for transfer of sensitive nuclear materials and equipment. The group developed guidelines on the nuclear transfer which was imposed unilaterally upon the developing countries. The imposition of these unilaterally restrictive measures had negative consequences upon the development of developing countries by impeding their access to the nuclear equipment, materials and technology for peaceful purposes.

4. The existing NSG guidelines do not constitute a legally-binding instrument and leave it open for the States Parties, the possibility of interpretation and application. The NSG members thus have not been able in practice to take unified position in implementing the guidelines. The supplier group has been constantly criticized for not distinguishing of any kind between the States Parties and Non-Parties to the NPT. In addition the Group has not considered the acceptance of full-scope safeguard and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices a necessary precondition for supply, as has been principally requested by the NPT Review Conferences as well as the declaration of Principles and Objectives.

5. Effective transfer guidelines should be developed through multilateral negotiations which could take place in the IAEA with the participation of all concerned states, suppliers and recipients, with full transparency and objectivity, based on the following principles:

a. The guidelines should not impede in any way the peaceful use of nuclear energy but to promote international cooperation to ensure the transfer of nuclear materials, equipment and technology for peaceful purposes.

b. The guidelines should clearly and practically differentiate between the transfers to the NPT States Parties and Non-Parties.

c. The guidelines may contain a trigger list of nuclear materials and equipment, transfers of which require an end-user certificate. The recipients could be requested to state in the end-user certificate the followings:

I. That the materials and equipment shall be subject to IAEA safeguards;

II. That the items will not be retransferred without receiving authorization from the supplier;

III. The destination of the transfers (including name and address);

IV. The quantities and characteristics of the transferred items.

Recommendations for inclusion in the Chairman paper, section on peaceful uses of nuclear energy

1. The States parties note with concern that application of unilaterally enforced export control regime has hampered access of the developing countries to the nuclear materials, equipment and technology for peaceful purposes. They fully recognize the right of all States Parties particularly the developing countries to enjoy the unrestricted access to nuclear materials and equipment for peaceful purposes.

2. The States Parties recognize that effective transfer guidelines should be developed through multilateral negotiations, which could take place in the IAEA, with the participation of all concerned states, suppliers and recipients. In the meantime they reaffirm that transparency in the proceedings and decision-making of the nuclear-related export control regimes should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty. The States Parties therefor call upon countries members to the Nuclear Supplier Group to take practical steps to fulfill this task.